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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,564	12/05/2001	Akira Takahashi	70904-56737	7094

7590 01/13/2003

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EXAMINER

CAO, ALLEN T

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,564	TAKAHASHI ET AL.	
	Examiner Allen T Cao	Art Unit 2652	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>29 October 2002</u> .			
2a) <input checked="" type="checkbox"/> This action is FINAL .		2b) <input type="checkbox"/> This action is non-final.	
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-26</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1-6,9-22 and 24-26</u> is/are rejected.			
7) <input checked="" type="checkbox"/> Claim(s) <u>7,8 and 23</u> is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.			
If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:			
1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received.			
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.			
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
* See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).			
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		6) <input type="checkbox"/> Other: _____.	

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 9 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mistretta (US. 5,548,571).

Mistretta discloses a disc cartridge 8 having a disc 6 in a disc shape, including a recording layer for recording/reproducing information; a disc cover 12 for covering at least a part of one side of the disc (aperture 13 for holding the disc 6); and a "connecting" means for connecting the disc and the disc cover (spring 13, 16; see column 1, lines 51-54); wherein a side of the disc, which is opposite to the side of the disc covered by the disc cover, is exposed externally (figures 1 and 2) as set forth in claims 1, 9, 17 and 19-20.

Regarding claim 3, Mistretta discloses that the disc cover includes an outer touching section that touches the disc in a vicinity of an outer circumference thereof when the disc cover is connected with the disc (see elements 13, 16 which is an outer touching section that touches the disc in a vicinity of an outer circumference of the disc).

Regarding claim 4, Mistretta discloses that the outer touching section is made of an elastic material (spring is inherently an elastic material).

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Regarding claim 16, Mistretta discloses that the disc cover is made of metal (column 4, lines 31-32).

Regarding claim 18, Mistretta inherently discloses that the disc cover has a region which has no side wall in “at least” part of the outer circumference of the disc cover.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta in view of Lee et al (US. 5,202,880).

Mistretta discloses a disc; however Mistretta does not disclose a disc having such limitations as set forth in claim 2.

Lee et al disclose a disc having a disc substrate 110, the recording layer 140, and a protective layer 150, which is transparent, in this order; wherein at least a part of a side of the disc, on which the protective layer 150 is formed, is covered by the disc cover so that the side of the disc on the disc on which the protective is formed is subjected to light projected thereon, so as to record/reproduce information.

Regarding claim 10, Lee et al disclose that the protective layer has a thickness ranging from 0 to 20 micrometers (column 8, lines 46-49).

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Regarding claims 11 and 12, Lee et al disclose that the substrate is made of a glass material (column 6, line 66) which is inherently anti-static because glass is not a static material.

Regarding claims 13-15, Lee et al inherently disclose that the protective layer is made of a glass or resin material because glass or resin is one type of a transparent material and which is inherently slippery and anti-static.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disc of the disc cartridge of Mistretta with such limitations as set forth, supra as taught by Lee et al as an obvious engineering routine choices.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta in view of Iizuka et al (US. 4,677,516).

Regarding claims 5 and 6, Mistretta does not disclose an inner touching section, made of an elastic material, that touches the disc in a vicinity of an inner circumference thereof when the disc cover is connected with the disc.

Iizuka et al disclose a disc cartridge having an inner touching section (24 and 25), made of an elastic material, that touches the disc in a vicinity of an inner circumference thereof when the disc cover is connected with the disc.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disc cartridge of Mistretta with such inner touching section as taught by Iizuka et al to reduce the thickness and reduce the dust.

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6. Claims 21-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mistretta in view of Ma et al (US. 5,537,281).

Mistretta discloses a disc cartridge 8 having a disc 6 in a disc shape, including a recording layer for recording/reproducing information; a disc cover 12 for covering at least a part of one side of the disc (aperture 13 for holding the disc 6); and a "connecting" means for connecting the disc and the disc cover (spring 13, 16; see column 1, lines 51-54); wherein a side of the disc, which is opposite to the side of the disc covered by the disc cover, is exposed externally (figures 1 and 2) as set forth in claims 21-22 and 24-26.

Mistretta does not disclose a separating means for separating the disc and the disc cover, so as to allow the head to be inserted between the disc and disc cover so that the recording/reproducing is performed as claimed in claim 21. Nor does Mistretta disclose a shutter closing/opening for closing/opening the cartridge shutter as set forth in claim 24.

Ma et al disclose a disc cartridge apparatus having a separating means for separating the disc 14 and the disc cover 12 so as to allow the head 42a to be inserted between the disc and disc cover so that the recording/reproducing is performed; and a cartridge shutter for closing/opening the cartridge shutter.

Regarding claim 22, Ma et al disclose a spindle for rotating the disc; wherein the separating means acts as moving means for moving the disc cover in a direction of a rotation axis of the disc, while leaving the disc on the spindle motor, so as to separate the disc and the disc cover, when the disc cartridge is inserted to be placed on the spindle motor (figures 1a, 1b and 5).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disc cartridge system of Mistretta with such limitations as set forth, supra as taught by Ma et al to improve the read/write characteristics of the drive system.

7. Claims 7-8 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 10/29/02 have been fully considered but they are not persuasive.

Applicant asserts that "Mistretta fails to teach or suggest a disc cartridge having a disc cover for covering one side of the disc, but where the opposite side of the disc is exposed externally. In FIGS. 1 and 2 of Mistretta, as cited in the Office Action, there is disclosed a data storage disk assembly in which a disk 6 and a disk carrier 8 including frame 12 are contained 'in a box-like caddy which totally surrounds the carrier and prevents any inadvertent contact with the disk' (column 1, lines 24-27)"" (Page 4, lines 7-18).

The Examiner respectfully points out the applicant argues the limitations which are not in the claim. Applicant only claim "a disc cover for covering at least **a part of one side of the disc.**" (Emphasis added). Applicant does not claim that the disc cover covers all part of any side disc.

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Therefore, the Examiner maintains that the rejection is proper as set forth, in the above Office Action.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Allen Cao
ALLEN CAO
PRIMARY EXAMINER

AC

January 10, 2003